IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4989 of 2005

SHIV SINGH
V/S
DISTRICT JUDGE,PRATAPGARH & ORS.

Mr. TRIBHUVAN GUPTA, for the appellant / petitioner

Date of Order : 16.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Learned counsel relies upon the judgment of Hon'ble the Supreme Court in Jaya Chandra Mohapatra Vs. Land Acquisition Officer, Rayagada, reported in 2005(9) SCC 123, and in B.Shivananada Vs. Andhra Bank Ltd. & Anr., reported in 1994(4) SCC 368.

I have considered the submissions.

In Jaya Chandra's case, the Hon'ble Supreme Court was concerned with the order of the Executing Court, which had gone behind the order passed by the Reference Court, and it was held by Hon'ble the Supreme Court that the Executing Court could not go behind that order even if that order was wrong. Likewise, in Shivananda's case, Hon'ble the Supreme Court has itself clarified that the matter is confined to that case only. Therefore, both the cases are distinguishable on facts.

In my view, the impugned order passed by the learned District Judge does not suffer from any error requiring interference in my writ jurisdiction. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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